

Notice of Allowability

Application No.

10/800,608

Examiner

Patricia Leith

Applicant(s)

CARNEY, STEPHEN TRUESDALE

Art Unit

1655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/16/07.
2. ☒ The allowed claim(s) is/are 26-34.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date attached hereto.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Patricia Leith
Primary Examiner
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DETAILED ACTION

Claims 13-25 are pending in the application.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Stephen Carney, the *pro-se* Inventor of the claims, on 9/5/07.

IN THE SPECIFICATION:

Pages 1-7, delete all paragraph markings, so the specification is consistent (pages 8-10 and part of page 7 contain no paragraph markings).

Page 1, replace the paragraph 'The name of this invention....with a residence in North Kingstown, Rhode Island, United States of America' with – ALFALFA SPROUT POWDER BASED SUPPLEMENT--.

Page 6, paragraph after the 'DETAILED DESCRIPTION OF THE INVENTION', 5th sentence beginning 'See Folic Acid and Alfalfa...', after 'February 12, 2003,' delete 'attached and'.

Page 8, prior to the table, insert – TABLE 1 --.

Page 9, paragraph beginning with 'The results of the study were encouraging....', after 'The results of the study' insert -- , as seen in Table 1, --.

Page 10, the last 4 lines of the specification, delete all four lines beginning with 'Lawrence d. Rink..' and ending with '...February 12, 2003.'

IN THE CLAIMS:

Cancel claims 13-25.

Insert the following new claims:

--Claim 26. A composition for lowering low-density lipoprotein cholesterol (LDL cholesterol), C Reactive protein, homocysteines and triglycerides, and increasing high-density lipoprotein (HDL cholesterol) comprising 560 mg of alfalfa sprout powder, 230 mcg of folic acid, 12.5 mg of Vitamin B-6 and 500 mcg of Vitamin B-12.

Claim 27. The composition of claim 26, wherein said composition is in an oral dosage form.

Claim 28. The composition of claim 26 further comprising a vitamin selected from the group consisting of Vitamin C, Vitamin E, Vitamin D and mixtures thereof.

Claim 29. The composition of claim 27, wherein said oral dosage form is selected from the group consisting of a chewable tablet, a quick dissolve tablet, an effervescent tablet, a hard gelatin capsule, a soft gelatin capsule, reconstitutable particles, microparticles, a suspension, an elixir, a caplet, a fortified food, a pudding, a yogurt, a gelatin, a cereal, a nutritional bar and combinations thereof.

Claim 30. The composition of claim 27, wherein in the oral dosage form is selected from the group consisting of an immediate release oral dosage form, an extended release oral dosage form, a pulse release oral dosage form, a delayed release oral dosage form, a controlled release oral dosage form and combinations thereof.

Claim 31. A method for lowering low-density lipoprotein cholesterol (LDL cholesterol), C Reactive protein, homocysteines and triglycerides, and increasing high-density lipoprotein (HDL cholesterol) comprising orally administering to an animal or human in need thereof the composition of any one of claims 26, 27, 28, 29 or 30.

Claim 32. The method of claim 31, wherein the administration occurs once during a twenty-four hour period.

Claim 33. The method of claim 31, wherein the administration occurs at least twice during a twenty-four hour period.

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Claim 34. The method of claim 31, wherein the method further comprises providing indicia indicating the time period for administration. --.

Claims 26-34 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia Leith whose telephone number is (571) 272-0968. The examiner can normally be reached on Monday - Friday 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terry McKelvey can be reached on (571) 272-0775. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Patricia Leith
Primary Examiner
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A handwritten signature in black ink, appearing to read "Patricia Leith", with a large, stylized loop at the end.

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September 6, 2007